

Submission to the SBI: Ways to Enhance the Engagement of Observer Organisations

Submitted by the Women and Gender Constituency, August 2010

INTRODUCTION

1. In its draft conclusion adopted on 9 June 2010, the thirty-second session of the Subsidiary Body for Implementation (SBI 32) requested Parties and Observers to submit, by 16 August their views on the issues related to Observer organisation participation within the United Nations Framework Convention on Climate Change (UNFCCC) process. The Women and Gender Constituency is pleased to provide its perspective on the way to enhance the participation of Observer organizations within the UNFCCC.

2. The Rio Declaration of 1992 stated in Principle 10 that “environmental issues are best handled with participation of all concerned citizens, at the relevant level.” Thus, access to information and public participation are conditional for the enjoyment of the right to a healthy environment. The principle of public participation holds that those who are or feel affected by a decision have a right to be involved in the decision-making process. Since then, the principle has developed and found its base in the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) of 1998 which, inter alia, provided operational criteria for public participation.

3. The UNFCCC provides for public participation under Art. 6 (a) and Art. 4 (1)(i) relating to activities of education, training and public awareness at national level. The participation of non-governmental organisations (NGOs) at the meetings of the bodies of the UNFCCC is regulated in Art. 7 (6). Further details for participation can be found in the draft Guidelines for the participation of non-governmental organizations at meetings of the bodies of the UNFCCC. These Guidelines are currently under review. The Women and Gender Constituency herewith provides recommendations to be taken into consideration within this review process.

INTERNATIONAL OBLIGATIONS

4. Although the UNECE Aarhus Convention is not legally binding for all Parties of the UNFCCC its legal remit has to be taken seriously since 44 Parties to the UNFCCC are also Parties to the Aarhus Convention and are thus committed to Art. 3 (7) of the Aarhus Convention: “Each Party shall promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.” The Parties are furthermore bound to the promotion of the Aarhus principles by the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums adopted in 2005.

5. There is a custom within other international Conventions to involve the public more actively. For example, at the meetings of the Convention on Biological Diversity (CBD) and of the United Nations Convention to Combat Desertification (UNCCD), accredited observers are allowed to take part in all meetings and to address the participants.

6. At the United Nations Commission on Sustainable Development (CSD) sessions major groups are integrated in the various activities throughout the official CSD sessions, including thematic discussions, expert panels, and interactive discussions within the Ministers during the High-level Segment.

CALL FOR ACTION

Access to Information

7. The Women and Gender Constituency calls upon the Parties to guarantee timely access to all papers (including drafts) both in paper and electronic format.

Access to Meetings of the Bodies of the UNFCCC

8. We also call for broad access to all meetings of the bodies of the UNFCCC, including informal meetings and working groups. Only access to all meetings will provide the constituencies with real access to information. We realise that too many participants may hamper the negotiations, therefore we call for the participation of at least a certain minimum number of representatives per constituency.

Public Participation

9. We urge Parties to allow for more meaningful public participation in this important process. We therefore call for more possibilities for constituencies to give interventions and to actively engage in the negotiations. Having a slot for an intervention only at the very end of a session often means that little attention is paid to it. The postponement of an intervention often results in a constituency's voice on a certain issue not being heard at all. A belated intervention does not have the weight to influence the discussion at the time for which the intervention was drafted. We therefore call for a more flexible approach where each constituency has the possibility to intervene in every session, or at least a certain minimum number of constituencies, e.g. three. Furthermore, the timing of interventions should be more flexible, e.g. according to the interventions of Parties upon raising the flag.

10. We also recommend Parties take submissions by observers, in particular joint submissions by respective constituencies, more seriously into consideration since valuable input is provided.

11. In order to offer more opportunities for Parties and observer constituencies to present their ideas, we suggest installing an online consultation system on every important agenda item. This could have the form of an online forum providing a limited amount of space (e. g. 500 words) for input from each Party grouping and observer constituency on the respective item. Such a system would provide more flexibility and immediate access to the various opinions on a certain subject, and could thereby advance the debate.

12. We also call for participation in informal meetings and a possibility to voice our concerns in these meetings and to engage in the setting of the agenda. In other meetings of international Conventions (see paras. 4 and 5) it is custom that civil society is invited to actively take part in working groups, task forces etc. We understand that the interest of civil society in this process is extremely high and that too many participants might lead to ineffective negotiations. However,

closed meetings should be the exception rather than the rule. We recommend allowing the participation of at least a certain minimum number of representatives of every constituency.

13. Furthermore, we urgently call upon Parties to consider financial support to a certain minimum number of representatives per constituency to take part in all negotiation meetings of the UNFCCC. The increasing number of meetings in different parts of the world puts an enormous burden on the financial and human resources of civil society groups, in particular on the most vulnerable ones who often lack sufficient funds.

14. In order to make the process more open, we also suggest taking on members of civil society in the Bureau as it is used in other international processes, such as the Aarhus Convention.

Access to Justice

15. We also suggest establishing procedures for review (complaint mechanism) of decisions which exclude or limit the access or participation of civil society in specific meetings of the bodies of the UNFCCC.

Capacity Building and Financial Support

16. We recommend to Parties to support civil society at national level as well as at international level by adequate financial support and sharing of experiences and knowledge on international negotiations and issues of climate change. It is public participation that helps create a climate of trust and builds bridges between the state and its citizens and fosters lively democracies. Decisions which are based on broad public participation are citizen-oriented and need-based, the process itself is more transparent and results are backed by the population, thus implementation becomes easier and greater accountability can be achieved.